



CERTIFICATION AND RESTRICTIONS ON USE OF UNPUBLISHED DATA

Application ID _____

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling. (Pub. L. No. 112-199, Sec. 104, Whistleblower Protection Enhancement Act of 2012)

I, _____, understand and agree to the following conditions concerning the use of unpublished data provided by the National Agricultural Statistics Service in response to my request.

Approved data source/s year/s:

The specific conditions of the agreement are:

- a. Any aggregates, summaries, or analysis that have not been published by the National Agricultural Statistics Service (NASS) cannot be considered as official estimates.
- b. All individual report data are confidential and may not be revealed, copied, or transmitted in any form. All summaries and analyses must not reveal individual operations and must be cleared by authorized staff.

Access is authorized via (check one):

Data Enclave Project Collaboration Only Other: _____

- c. These data will be used for *statistical and economic research purposes* only.
- d. Reproducing or sharing the data, whether in original or aggregated form, with persons other than those who are explicitly approved on the data access project agreement and have completed necessary security protocols is strictly prohibited.

In addition to the above conditions, I have been provided Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35, Section 3572, *Fines and Penalties*, and *Limitations on Use and Disclosure of Data and Information*; 18 U. S. Code 1902, *Disclosure of crop information and speculation thereon*; 18 U. S. Code 1905, *Disclosure of confidential information generally*; 7 U. S. Code 2276, *Confidentiality of information*; and 18 U.S. Code 2072, *False crop reports*.

I certify that I have read the above-mentioned regulations this _____ day of _____, 20____, and will abide by them.

Name (Type or Print)

Organization or Agency / Division / Branch

City and State

Signature

Witnessed by: _____

*Representative of Chair, Agricultural Statistics Board,
National Agricultural Statistics Service*

Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35, Section 3572. Fines and Penalties.

Whoever, being an officer, employee, or agent of an agency acquiring information for exclusively statistical purposes, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by Section 3572 (see below), comes into possession of such information by reason of his or her being an officer, employee, or agent and, knowing that the disclosure of the specific information is prohibited under the provisions of this title, willfully discloses the information in any manner to a person or agency not entitled to receive it, shall be guilty of a class E felony and imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35, Section 3572. Limitations on Use and Disclosure of Data and Information.

(a) Use of Statistical Data or Information.--Data or information acquired by an agency under a pledge of confidentiality and for exclusively statistical purposes shall be used by officers, employees, or agents of the agency exclusively for statistical purposes.

(b) Disclosure of Statistical Data or Information.-- (1) Data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes shall not be disclosed by an agency in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent. (2) A disclosure pursuant to paragraph (1) is authorized only when the head of the agency approves such disclosure and the disclosure is not prohibited by any other law. (3) This section does not restrict or diminish any confidentiality protections in law that otherwise apply to data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes.

(c) Rule for Use of Data or Information for Nonstatistical Purposes.--A statistical agency or unit shall clearly distinguish any data or information it collects for nonstatistical purposes (as authorized by law) and provide notice to the public, before the data or information is collected, that the data or information could be used for nonstatistical purposes.

(d) Designation of Agents.--A statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 3561(2) for treatment as an agent under that section, who may perform exclusively statistical activities, subject to the limitations and penalties described in this title.

**Title 18, U.S. Code, Section 1902
Disclosure of crop information and speculation thereon**

Whoever, being an officer, employee or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment or position, become possessed of information which might influence or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of such department or agency required to be withheld from publication until a fixed time, willfully imparts, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or agency to receive the same, or before such information is made public through regular official channels, directly or indirectly speculated in any such product by buying or selling the same in any quantity, shall be fined... or imprisoned..., or both. <See *Fines and Penalties*> No person shall be deemed guilty of a violation of any such rules, unless prior to such alleged violation he shall have had actual knowledge thereof.

**Title 18, U.S. Code, Section 1905
Disclosure of confidential information generally**

Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined . . . , or imprisoned . . . , or both and shall be removed from office or employment. <See *Fines and Penalties*>

**Title 7, U.S. Code, Section 2276
Confidentiality of information**

(a) In the case of information furnished under a provision of law . . . , neither the Secretary of Agriculture, any other officer or employee of the Department of Agriculture or agency thereof, nor any other person may:

- (1) use such information for a purpose other than the development or reporting of aggregate data in a manner such that the identity of the person who supplied such information is not discernible and is not material to the intended use of such information; or
- (2) disclose such information to the public, unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

(b) (1) In carrying out a provision of law . . . , no department, agency, officer, or employee of the Federal Government, other than the Secretary of Agriculture, shall require a person to furnish a copy of statistical information provided to the Department of Agriculture.

- (2) A copy of such information:
 - (A) shall be immune from mandatory disclosure of any type, including legal process; and
 - (B) shall not, without the consent of such person be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(c) Any person who shall publish, cause to be published, or otherwise publicly release information collected pursuant to a provision of law . . . , in any manner or for any purpose prohibited in section (a), shall be fined . . . or imprisoned . . . , or both. <See *Fines and Penalties*>

**Title 18, U.S. Code, Section 2072
False crop reports**

Whoever, being an officer or employee of the United States or any of its agencies, whose duties require the compilation or report of statistics or information relating to the products of the soil, knowingly compiles for issuance, or issues, any false statistics or information as a report of the United States or any of its agencies, shall be fined under this title or imprisoned not more than five years, or both.
